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Docket No.: 50229-421

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277  
Sylvia DAUNERT, et al. : Confirmation Number: 8471  
Serial No.: 10/811,138 : Group Art Unit: 1645  
Filed: March 29, 2004 : Examiner: Kosson, Rosanne  
For: AEQUORIN AND OBELIN MUTANTS WITH DIFFERING WAVELENGTHS AND  
BIOLUMINESCENCE

Response to Restriction Requirement

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction Requirement of July 26, 2006 in this application setting forth a one-month shortened statutory period for reply. As such, a response is due October 26, 2006 with a request and payment for a two-month extension of time.

Restriction is now required between the inventions identified as those of Groups I-XXXIX.

Generally speaking, the Examiner has sorted the pending claims into the following categories: 1) nucleic acids encoding aequorin mutants; 2) kits comprising those mutants in conjunction with a coelenterazine; 3) methods of identifying inhibitors of bond-breaking enzymes using the aequorin mutants; 4) nucleic acids encoding obelin mutants; 5) kits comprising obelin mutants in conjunction with a coelenterazine; and 6) methods of identifying inhibitors of bond-breaking enzymes using the obelin mutants.

The Examiner argues that because each of the aequorin and obelin mutants disclosed in the application have different chemical structures and properties, they are patentably distinct. It is this logic that underlies the current 39-way restriction requirement.